



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

Mr. Chris Cook
Plant Manager
Apollo Metals, LTD
1001 14th Avenue
Bethlehem, PA 18018

**Re: Notice of Violation
Compliance Evaluation Inspection
July 23, 2013
EPA ID No. PAD002392827**

Docket Number: R3-14-NOV-RCRA-08

Dear Mr. Cook:

On July 23, 2013 the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Commonwealth of Pennsylvania Hazardous Waste Regulations ("PAHWR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. at your facility. A copy of the inspection report is enclosed. Based on that inspection and/or review of other pertinent information, EPA has determined that Apollo Metals, LTD (the Facility) is violating regulations promulgated under PAHWR and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violation(s) are:

1. In the hazardous storage area the inspector observed one 55 gallon container and 2 cubic yard containers labeled as hazardous waste, but not marked with an accumulation date; see photos 3 to 7. The inspector also observed a cubic yard container labeled as hazardous waste collecting the carbonate waste; see photo 13. This container was not marked with an accumulation date. Failure to demonstrate the length of time hazardous waste began accumulating as required by PA §262a [40 CFR 262.34(a)(2)].
2. During the inspection the inspector observed an opened satellite accumulation container inside the laboratory and no waste was being added at that time; see photo 14. This container was not closed as required in PA §262a [40 CFR 262.34(c)(i)].
3. During the inspector's review of the facility contingency plan he discovered that only a phone number was provided for the emergency contact information. The plan must list

names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator as required in 25 PA §265a [40 CFR §265.52(d)].

4. On the lower floor the inspector observed universal wastes being stored. No accumulation dates were observed on each container of universal waste; see photos # 18-21 of the inspection report. One box containing lamps was unlabeled, undated and open, see photo #22 of the inspection report. The Universal Waste regulations require lamps to be containerized, labeled and the containers to be kept closed in required 25 PA §266b [40 CFR 273].

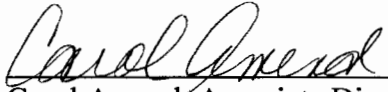
Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

Within thirty (30) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Stephen Forostiak (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Feb 25, 2014
Date

Enclosure

cc: S. Forostiak (3LC70)
R. Bartholomew, PADEP (Central Office)